

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6117

BILL NUMBER: HB 1031

NOTE PREPARED: Nov 14, 2002

BILL AMENDED:

SUBJECT: Landlord-Tenant Law.

FIRST AUTHOR: Rep. Smith V

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: The bill provides for the eviction of a tenant by the county sheriff without a judicial order after the expiration of the rental agreement.

Effective Date: July 1, 2003.

Explanation of Local Expenditures: Currently, a landlord must obtain a judicial order to be able to evict a tenant from the landlord's property. This bill would allow a landlord to evict a tenant without a judicial order by designating a surrender date after which the county sheriff would remove the tenant.

According to the bill, a notification is required to be sent out by the landlord to the tenant stating that the rental agreement has expired, the landlord has chosen not to renew the agreement, the date by which to surrender the property, and the sheriff will remove the tenant after the surrender date. The bill also provides that the landlord may notify the county sheriff of a tenant who has surpassed the surrender date, at which time the county sheriff shall remove the tenant and the tenant's property from the dwelling.

According to current state statute, county sheriffs may be involved with the removal of tenants and their property from a landlord's property given that a judicial order is provided. By allowing a landlord to bypass the court system, this bill could potentially cause county sheriffs to be involved in more evictions. This would either increase costs to the sheriff for moving tenants, or the sheriff would pass this cost along to the court. However, this bill could potentially reduce the number of court orders sought by landlords. At this time it is not known how often county sheriffs are involved with evictions or how many court orders are sought by landlords.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: County Sheriffs, Court Systems.

Information Sources: Doug Gossard, Indiana Sheriff's Association Inc., 356-3633.

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